

ORDINANCE NO. 6 2 1 6

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF AUBURN, WASHINGTON, AMENDING CHAPTER
9.30 OF THE AUBURN CITY CODE RELATING TO
FALSE ALARMS**

WHEREAS, approximately 99% of alarm systems to which the Auburn Police Department responds are False Alarms which are reported to the Police Department by alarm companies; and

WHEREAS, most False Alarms are the result of improper maintenance or improper or careless use of an Alarm System; and

WHEREAS, alarm companies are able to control the number of False Alarms to which police response agencies must respond by appropriately and diligently screening alarms before calling them in to police response agencies; and

WHEREAS, police response agencies must needlessly gear up to address alarm incident dangers when they respond to what is ultimately determined to be a False Alarm; and

WHEREAS, all police response agencies and the public suffer the consequences that police officers responding to False Alarms are not available to carry out other police duties; and

WHEREAS, in the interest of using limited police resources most effectively and efficiently, the number of False Alarms can and must be reduced; and

WHEREAS, it is appropriate to adopt code provisions addressing alarm requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. That Chapter 9.30 of the Auburn City Code is amended to read as follows:

Chapter 9.30 FALSE ALARMS

Sections:

9.30.010	<u>DefinedDefinitions.</u>
9.30.020	<u>Unlawful when — Penalty fee. Administration; Funding; Increases in fees; Annual Evaluation.</u>
9.30.030	<u>Fee payment responsibility — Failure to pay — Infraction Alarm Permits Required; Terms; Fees and Fee Collection.</u>
9.30.040	<u>Permit Application; Contents.</u>
9.30.050	<u>Transfer of Permit Prohibited.</u>
9.30.060	<u>Duties of Alarm Users.</u>
9.30.070	<u>Audible Alarms; Restrictions, Disconnects.</u>
9.30.080	<u>Duties of Alarm Installation Companies and Monitoring Companies.</u>
9.30.090	<u>Special Licensing of Alarm Installation and Monitoring Companies.</u>
9.30.100	<u>Duties and Authority of the Alarm Administrator.</u>
9.30.110	<u>False Alarm Fees; Service Fees; Late Fees.</u>
9.30.120	<u>Notice to Alarm Users of False Alarms and Suspension of Police Response.</u>
9.30.130	<u>Violation of Making Alarm Dispatch Request for Suspended Alarm Site.</u>
9.30.140	<u>Appeals of Determinations Regarding Alarm Permits, Security Alarm License and Fees.</u>
9.30.150	<u>Reinstatement of Suspended Alarm Permits.</u>
9.30.160	<u>Suspension of Police Response to an Alarm Site.</u>
9.30.170	<u>Revocation of Security Alarm License.</u>
9.30.180	<u>Police Department Response.</u>
9.30.190	<u>Confidentiality of Alarm Information.</u>
9.30.200	<u>Scope of Police Duty; Immunities Preserved.</u>
9.30.210	<u>Alternate Enforcement.</u>

9.30.010 DefinedDefinitions.

For the purpose of this chapter, and to the point consistent with their context, the term "false alarm" means the activation of a burglary and/or robbery or fire alarm by other than a forced entry or attempted forced entry to the premises, or by other than a fire and at a time when no burglary or robbery is being committed or attempted on the premises, or when no fire exists on the premises, as determined by the officer arriving on the premises following terms and definitions apply:

A. Alarm Administrator means the representative of the private alarm consulting company engaged by the City pursuant to an agreement approved by the Chief of Police to administer the provisions of this Chapter.

B. Alarm Agreement means the legal contract or agreement by and between the Alarm Installation Company and/or Monitoring Company and the Alarm User.

C. Alarm Agreement holding company means the company, whether the Alarm Installation Company and/or Monitoring Company, holding the Alarm Agreement with the Alarm User.

D. Alarm Installer Checklist means a check off list provided by the Alarm Administrator to the alarm installer to complete at each Alarm Site after the installation of an Alarm System and prior to its activation.

E. Alarm Installation Company means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System at an Alarm Site for compensation, and includes individuals or firms that install and service Alarm Systems used in a private business or proprietary facility.

F. Alarm Dispatch Request means a notification to the Police Department that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

G. Alarm Response Manager (ARM) means a Person designated by an Alarm Installation Company and Monitoring Company to handle alarm issues for the company and act as the primary point of contact for the City's Alarm Administrator.

H. Alarm Permit means a permit and Permit Number issued by the Alarm Administrator to an Alarm User which authorizes the operation of an Alarm System.

I. Alarm Site means a location served by one or more Alarm Systems. In a multi-unit building or complex, each unit shall be considered a separate Alarm Site if served by a separate Alarm System. In a single unit building that houses two or more separate businesses with separate Alarm Systems, each business will be considered a separate Alarm Site.

J. Alarm System means a device or series of devices which emit or transmit an audible or remote visual or electronic alarm signal which is intended to summon police response. The term includes hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes Local Alarm Systems, but does not include an alarm installed in a motor vehicle, on one's Person or a system which will not emit a signal either audible or visible from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.

K. Alarm User means any Person who has contracted for monitoring, repair, installation or maintenance service for an Alarm System from an Alarm Installation Company or Monitoring Company, or who owns or operates an Alarm System which is not monitored, maintained or repaired under agreement.

L. Alarm User Awareness Class means a class conducted by the Alarm Administrator for the purpose of educating Alarm Users about the

responsible use, operation, and maintenance of Alarm Systems and the problems created by False Alarms.

M. Alarm User List means a list provided by the Alarm User's Alarm Installation Company or if no Alarm Agreement exists between the Alarm User and an Alarm Installation Company, the Alarm User's Monitoring Company.

N. Arming Station means a device that controls an Alarm System.

O. Automatic Voice Dialer means any electronic, mechanical, or other device which, when activated, is capable of being programmed to send a prerecorded voice message to a law enforcement agency requesting a police dispatch to an Alarm Site.

P. Burglar Alarm means an alarm intended to identify the presence of an intruder in either a business or residence.

Q. Burglar Alarm Confirmation means a method by which an alarm Monitoring Company shall verify a Burglar Alarm call prior to making a Burglar Alarm Dispatch Request. This method requires at least one of the following types of acceptable verification for a Burglar Alarm call.

1. WITNESS AT SITE; who indicates criminal or suspicious activity.

2. AUDIO VERIFICATION; that indicates criminal activity.

3. VISUAL VERIFICATION (LIVE-TIME VIDEO); that indicates criminal activity

4. SEQUENTIAL VERIFICATION (Two zone/device activation);

The Sequential Verification allows for a variety of configurations that are acceptable as burglar alarm confirmation. It is the most common verification that is used. For residential systems, the Sequential Verification requirement only applies to alarm signals initiated from motion sensors. Single alarm signals from devices other than motion detectors will be eligible for a police response after Enhanced Call Verification, as defined herein, has been completed by the monitoring company."

5. TWO INDEPENDENT DETECTORS ACTIVATION

6. TWO ALARM SIGNALS WITHIN A 10 MINUTE TIME PERIOD

R. Burglary Alarm Crime in Progress means a burglar Alarm Dispatch Request reported by a Monitoring Company that indicates a crime is in progress based upon an audio, video or similar verification device installed at the Alarm Site.

S. Business License means a Business License issued by Auburn Business License division to an Alarm Installation Company or Monitoring Company to sell, install, monitor, repair, or replace Alarm Systems. The term Business License does not include a Security Alarm License issued by the Police Department.

T. Cancellation means the termination of a police response to an Alarm Site after a dispatch request is made but before an officer's arrival at the Alarm Site.

U. Conversion of Alarm User means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the

servicing or monitoring of a previously unmonitored Alarm System or an Alarm System that was previously serviced or monitored by another alarm company.

V. Customer False Alarm Prevention Checklist means a check off list provided by the Alarm Administrator to the Alarm Installer to provide to the Alarm User to complete prior to the activation of an Alarm System.

W. Duress Alarm means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires an officer's response.

X. Enhanced Call Verification means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User and/or the Alarm User's designated representatives by telephone and/or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting a police dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request. For the purpose of this Ordinance, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an Alarm User who can properly identify themselves to determine whether an alarm signal is valid before requesting an officer dispatch. Names and numbers of those contacted or attempted to contact, shall be provided when requested.

Y. False Alarm means an Alarm Dispatch Request to the Police Department which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the Alarm Site.

Z. Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

AA. Local Alarm System means an unmonitored Alarm System that annunciates an alarm only at the Alarm Site.

BB. Monitoring means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the Police Department.

CC. Monitoring Company means a Person in the business of providing Monitoring services.

DD. One Plus Duress Alarm means the manual activation of a silent alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

EE. Panic Alarm means an Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring an officer's response.

FF. Permit Number means a unique individual number assigned to an Alarm User as part of the registration of their Alarm Permit issued by the Police Department.

GG. Person means an individual, corporation, limited liability company, partnership, association, organization or similar entity.

HH. Police, unless the context indicates otherwise, or Police Department means the Auburn Police Department.

II. Protective or Reactive Alarm System means an Alarm System that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a Person's vision.

JJ. Responsible Party means a Person capable of appearing at the Alarm Site upon request who has access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

KK. Robbery Alarm means an alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery is in progress and that a Person is in need of immediate police assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as "Holdup Alarm or Duress Alarm."

LL. Security Alarm License means the license issued by the Police Department to an Alarm Installation Company or Monitoring Company to sell, install, monitor, repair or replace Alarm Systems. The term does not include a Business License issued by City of Auburn.

MM. SIA Control Panel Standard CP-01 means the ANSI – American National Standard Institute-approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of False Alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations are marked as follows: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

NN. Takeover means the transaction or process by which an Alarm User takes over control of an existing Alarm System which was previously controlled by another Alarm User.

OO. Zones mean a division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted. (Ord. 5716 § 1, 2002; Ord. 5682 § 1, 2002.)

9.30.020 Unlawful when — Penalty fee Administration; Funding; Increases in fees; Annual Evaluation.

~~It is unlawful for any person, business or legal entity having or conducting a private alarm system for fire, theft, burglary or other protection to have any repeat false alarms within any calendar year occurring in the same system. The owner of any residence, business or premises in which said alarm system exists shall pay a \$50.00 false alarm fee for each and every subsequent false alarm~~

~~following an initial (first) such false alarm within said calendar year. A.~~
Responsibility for administration of this section is vested with the Chief of Police.

B. The Chief of Police shall designate an Alarm Administrator to carry out the duties and functions described in this section.

C. Monies generated by False Alarm fees and permit fees assessed pursuant to this chapter shall be dedicated for use by the Police Department for the administration of the provisions of this chapter.

D. The fees set forth in this chapter shall be included in the City of Auburn Fee Schedule and may thereafter be modified by City Council amendment to the City of Auburn Fee Schedule. For purposes of this subsection, "fees" include any type or class of fee and includes late fees.

E. The Alarm Administrator shall conduct an annual evaluation and analysis of the effectiveness of this section and identify and implement administrative system improvements as warranted, and shall recommend to the Chief of Police, Mayor and City Council suggested changes to the Auburn City Code as warranted. (Ord. 5716 § 1, 2002; Ord. 5682 § 1, 2002.)

9.30.030 Fee payment responsibility — Failure to pay — Infraction Alarm Permits Required; Terms; Fees and Fee Collection.

~~The city shall notify the party responsible for paying the false alarm penalty fee by written notice, indicating that the payment is due within 20 calendar days of the notice. It shall be a civil infraction punishable pursuant to Chapter 1.25 ACC to fail to pay said penalty fee to the city within 20 calendar days of the notice. In any prosecution of such infraction it shall be prima facie evidence of the violation that the alarm system, at the same address and with the same owner or occupant, had a prior false alarm as indicated by the police, fire or other emergency response records of the prior false alarm.~~ A. An Alarm User shall not operate, or cause to be operated, any Alarm System without a valid Alarm Permit. A separate Alarm Permit is required for each Alarm Site having a distinct address or business name. No Alarm System shall be activated until a Permit Fee and a completed Alarm Permit application for that Alarm System has been received and approved by the Alarm Administrator.

B. Owners of Local Alarm Systems are required to adhere to all sections of this ordinance and are subject to all fees, service fees, suspensions, penalties or other requirements that are applicable.

C. The fee for a new initial Alarm Permit shall be collected by the Alarm Installation Company and an Alarm Permit renewal fee shall be collected by the Alarm Agreement holding company and remitted to the City.

D. Existing Security Alarm Systems:

1. Any security Alarm System which has been installed before the effective date of this Ordinance shall be registered and a permit fee collected by the Alarm Agreement holding company within sixty (60) days after such effective date. Ninety days prior to the effective date of this chapter, each alarm company

with monitored accounts shall provide the Alarm Administrator with a complete list of active customers in the City of Auburn to assist the Alarm Administrator with creating and maintaining tracking data. The customer data shall be provided electronically in a format acceptable to the Alarm Administrator and shall include the customer name, alarm site address, billing address, and phone number. Addresses must be in a Coding Accuracy Support System (CASS) Certified format.

2. The Alarm Agreement holding company may through a mutual written agreement have another Alarm Company provide the Alarm User's list and collect the Permit fee.

3. Failure to comply within thirty (30) days after being notified in writing from the Alarm Administrator will result in a fee of \$50.00 per business day until the Alarm Agreement holding company complies with this requirement. Failure to comply after ten (10) business days will result in the suspension of the company's Security Alarm License. The City shall assess a reinstatement fee of \$100.00 and an additional fee of \$10.00 per permitted Alarm User, if users have been notified of the suspension in accordance with Sections 9.30.090 and 9.30.120 of the City Code.

E. New Security Alarm Systems:

1. Any Alarm Installation Company that installs a security Alarm System on premises located within the City limits of Auburn shall notify the Alarm Administrator that a security Alarm System has been installed and send the Alarm Administrator the required information as listed in the Alarm Permit Application pursuant to Section 9.30.040 of this Chapter, including the appropriate registration permit fee collected from the Alarm User.

2. Failure of an Alarm Installation Company to notify the Alarm Administrator of a new security Alarm System installation prior to the system's activation shall result in a \$100.00 fine to the Alarm Installation Company.

3. The initial Alarm Permit Registration fee must be submitted to the Alarm Administrator at the same time as the registration application or an Alarm System Takeover.

4. It shall be the responsibility of the Alarm Installation Company to forward to the Alarm Administrator the application completed by the Alarm User, the notice of a new system and the appropriate Permit fees within seven (7) days of installation.

F. Alarm Registration, Permit and Renewal Fees:

1. An Alarm Registration shall expire one year from the date of issuance, and must be renewed annually by the Alarm Agreement holding company by submitting an updated application and a registration permit renewal fee to the Alarm Administrator. The Alarm Administrator shall notify the Alarm Agreement holding company of the need to renew their registered customers within a reasonable timeframe, as determined by the Alarm Administrator, prior to the expiration of the registration on a monthly basis. It is the responsibility of the Alarm Agreement holding company to submit the updated information and

renewal fees prior to the registration expiration date. Failure to renew shall be classified as use of a non-registered security Alarm System and subject the Alarm Site to a suspension and late fees.

2. Registration Permit Fees shall be collected annually based on a one year permit period. Annual Permit and Renewal Fees required are as follows:

Residential \$24.00

Commercial \$24.00

Residential Low Income Senior Citizen/Disabled Citizen \$12.00

3. In order to qualify for the Residential Low Income Senior Citizen/Disabled Citizen rate, applicants shall meet the criteria called for to qualify for the City's Low Income Senior Citizen/Disabled Citizen utility discount, per Section 13.24.010 of the City Code, be listed as the property owner or lessee, and shall have the Alarm Agreement in his or her name. This Residential Low Income Senior Citizen/Disabled Citizen rate option applies only to residential Alarm Sites.

G. Late fee. Alarm Agreement holding companies who fail to make payment for an Alarm Permit prior to the registration expiration date will be assessed a late fee in the amount of \$25.00.

H. Refunds. No refund of a permit or permit renewal fee will be made.

I. Any Alarm Installation Company that installs or activates an Alarm System on premises within the City after the effective date of this ordinance shall have the Alarm User complete a Customer False Alarm Prevention Checklist and the installer shall complete an Alarm Installer Checklist. The Alarm Installation Company shall keep on file the completed checklist for up to one year after the activation of the Alarm System. Failure to complete the required checklists shall result in a \$100.00 administrative fee per incident against the Alarm Installation Company.

J. Upon receipt of a completed Alarm Permit application form and the Alarm Permit fee, the Alarm Administrator shall issue a permit or permit renewal to the applicant unless:

1. The applicant has failed to pay any fee assessed under this chapter;

or

2. An Alarm Permit for the Alarm Site has been suspended, and the condition causing the suspension has not been corrected; or

3. The Alarm Installation Company and/or the Monitoring Company listed on the permit application do not have a current valid Security Alarm License issued by the Police Department.

4. Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue a registration Alarm Permit.

K. Upon receipt of the permit application form and fee, the Alarm Administrator shall issue a permit and Permit Number to the Alarm User and their

Monitoring Company which is valid one year. Renewal permits are valid for a one year period.

L. Permit Number. A valid Permit Number for the Alarm Site is required for each request for a burglar alarm dispatch. A burglar alarm request without a valid Permit Number shall not be accepted for a police dispatch.

M. Exceptions.

1. Government entities, including but not necessarily limited to the City of Auburn, County, State, Federal and School District entities, must obtain permits for all alarm systems on property under their control within the corporate boundaries of the City of Auburn, but are exempt from payment of permit and renewal fees.

2. All permit fee exempted alarm sites are required to obtain and maintain a valid Alarm Permit for police response and are subjected to all other fees and suspension enforcements. (Ord. 5716 § 1, 2002; Ord. 5682 § 1, 2002.)

9.30.040 Permit Application; Contents.

An application for an Alarm Permit must be on a form provided by the Police Department and must contain the following information:

A. The name, complete address, including apartment or suite number, and telephone numbers of the Person who will be the holder of the permit and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this subsection;

B. The physical address and classification of the Alarm Site as either residential (includes apartment, condo, mobile home, etc.) or commercial;

C. The classification of the Alarm System (i.e. burglary, holdup, duress, Panic Alarm or other) for each Alarm System located at the Alarm Site, and, for each classification, whether the alarm is audible or silent;

D. The applicant's mailing address, if different from the address of the Alarm Site;

E. Any dangerous or special conditions present at the Alarm Site such as guard dogs or Protective or Reactive Alarm System;

F. A written notice from the Alarm User setting forth the following:

1. The date of installation, conversion or takeover of the Alarm System, whichever is applicable;

2. The name, address, and telephone number of the Alarm Installation Company or companies performing the Alarm System installation, conversion or takeover and of the Alarm Installation Company responsible for providing repair service to the Alarm System;

3. The name, address, and telephone number of the Monitoring Company if different from the Alarm Installation Company;

4. That a set of written operating instructions for the Alarm System, including written guidelines on how to avoid False Alarms, have been left with the applicant by the Alarm Installation Company; and

5. That the Alarm Installation Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid False Alarms.

G. An acknowledgement that the police response may be influenced by factors including, but not limited to, the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, prior alarm history, administrative actions and staffing levels.

9.30.050 Transfer of Permit Prohibited.

A. An Alarm Permit cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change to the information listed on the Alarm Permit application within ten (10) business days after such change.

B. Exceptions may be made in the discretion of the Alarm Administrator when the transfer proposed is among members of the family of the original permit holder or successors in interest to the property for which the permit has been issued.

9.30.060 Duties of Alarm Users.

A. An Alarm User shall:

1. Maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;

2. Make every reasonable effort to arrive at the Alarm System's location within 30 minutes after being requested by the Monitoring Company or Police Department in order to:

(a) Deactivate an Alarm System;

(b) Provide access to the Alarm Site; and/or

(c) Provide alternative security for the Alarm Site.

3. Provide your alarm company with the updated names and telephone numbers of at least two individuals who are able and have agreed to:

(a) Receive notification of an Alarm System activation at any time;

(b) Respond to the Alarm Site at any time; and

(c) Provide access to the Alarm Site and deactivate the Alarm System, if necessary.

4. Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report.

B. No Person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the City and then transmit any pre-recorded message or signal. An administrative fee of \$100.00 per incident will be assessed.

C. An Alarm User shall keep a set of written operating instructions for each Alarm System at each Alarm Site.

D. All Alarm Users shall agree with their Alarm Installation Company or Monitoring Company to go through an "acclimation period" for the first seven (7) days after activation of a Burglar Alarm System, during which time the Alarm Installation Company or Monitoring Company will have no obligation to respond to, nor will it respond to, any alarm signal from the Alarm Site, or make an Alarm Dispatch Request to a police response agency, even if the alarm signal is the result of an actual alarm event. Exceptions to the "acclimation period" of non-response can be made by the Police Department in special circumstances, including but not limited to, domestic violence and stalking.

E. An alarm user shall have an alarm installation company inspect the alarm system after two false alarms in their one-year permit period to modify the alarm system to be more false-alarm-resistant or provide additional user training as appropriate.

9.30.070 Audible Alarms; Restrictions, Disconnects.

A. After the effective date of this Ordinance no Alarm System shall be installed, modified or repaired for use within the City of Auburn that has a siren, bell or other audible signal that is audible from any property adjacent to the Alarm Site that sounds for longer than ten (10) consecutive minutes after the alarm is activated, or that repeats separate audible cycles more than three times from a single alarm arming event within any two-hour period. An administrative fee of \$100.00 per incident will be assessed for each event of an alarm sounding for longer than ten (10) consecutive minutes after the alarm is activated, or for repeated separate audible cycles of more than three times from a single alarm arming event within any two-hour period.

B. Audible alarm systems may be disconnected by the City through the use of any means reasonable and necessary if the alarm does not automatically shut off as described in subsection 9.30.070(A). The City or its employees or agents shall not be responsible or liable for damage resulting from such disconnection.

9.30.080 Duties of Alarm Installation Companies and Monitoring Companies.

A. Each Alarm Installation Company and Alarm Monitoring Company must designate one individual as the Alarm Response Manager (ARM) for the company. The individual designated as the ARM must be knowledgeable of the provisions of this section, as well as have the knowledge and authority to deal with False Alarm issues and respond to requests from the Alarm Administrator. The name, contact number, and email address of the ARM shall be provided to the Alarm Administrator. Failure to designate an ARM within thirty (30) days after being notified in writing from the Alarm Administrator may result in the suspension of the company's Security Alarm License. The City shall assess a reinstatement fee of \$100.00 and an additional fee of \$10.00 per permitted user, if users have been notified of the suspension in accordance with Sections 9.30.090 and 9.30.120 of the City Code.

B. Upon the installation or activation of an Alarm System, Alarm Installation Companies shall distribute to the Alarm User information summarizing:

1. The requirements of this Ordinance relating to False Alarms;
2. The Permit Fee requirements and the potential for service fees and suspension of an Alarm Permit, and
3. Strategies on how to prevent False Alarms, and proper operation of the Alarm System.

C. After the effective date of this Ordinance, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms installed prior to the effective date of this ordinance.

D. Upon the effective date of this Ordinance, Alarm Installation Companies shall not install, modify or repair "single action" devices for the activation of Duress, Hold-up, Robbery or Panic Alarms. New devices shall require two actions or an activation delay to provide more positive assurance that the user intends to activate the device.

E. Ninety days after the effective date of this ordinance, an Alarm Installation Company shall, on new installations, use only alarm control panel(s) which meet ANSI/SIA CP-01- Control Panel Standard - Features for False Alarm Reduction.

F. An Alarm Company shall not use an automatic voice dialer for any Alarm System which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department, or the 911 Dispatch Center or the City and then transmit any pre-recorded message or signal. An administrative fee of \$100.00 per incident shall be assessed.

G. After completion of the installation of an Alarm System, an employee of the Alarm Installation Company shall review with the Alarm User the Customer False Alarm Prevention Checklist or an equivalent checklist approved by the Alarm Administrator. The installer shall complete the Alarm Installer Checklist.

H. Ensure that all Alarm Users of Alarm Systems equipped with a duress, robbery, holdup or Panic Alarm has been provided adequate training as to the proper use of the alarm.

I. Each Installation Company must maintain, for a period of at least one year after the date of installation or activation of an Alarm System both the completed Alarm Installer Checklist and the Customer False Alarm Prevention Checklist. The Alarm Administrator may request copies of such records for any individual Alarm User. If the request is made within 60 days after the Alarm System's activation, the Alarm Installation Company shall furnish requested records within three (3) business days after receiving the request. If the records are requested between sixty (60) days and one (1) year after the Alarm System's activation, the Alarm Installation Company shall furnish the requested records

within thirty (30) days after receiving the request. Failure to comply with this subsection will incur a \$50.00 service fee.

J. Monitoring Company Requirements. The Monitoring Company Requirements include the following:

1. A Monitoring Company shall not make an Alarm Dispatch Request to a Burglar Alarm signal during the first seven-day "acclimation period" after a Burglar Alarm System installation or activation. A Monitoring Company may make an Alarm Dispatch Request for a Hold-up, Duress, Robbery, or Panic Alarm. Exceptions to the "acclimation period" of non-response can be made by the Police Department in special circumstances, including but not limited to, domestic violence and stalking.

2. Report alarm signals by using telephone numbers designated by the Alarm Administrator.

3. Employ Enhanced Call Verification and Burglar Alarm Confirmation on all Burglar Alarm Dispatch Request. The Auburn Police Department may refuse to accept an Alarm Dispatch Request from a Monitoring Company that has failed to comply with the procedures required by Enhanced Call Verification and Burglar Alarm Confirmation. For residential systems, the Sequential Verification requirement only applies to alarm signals initiated from motion sensors. Single alarm signals from devices other than motion detectors will be eligible for a police response after Enhanced Call Verification has been completed by the monitoring company."

4. Communicate Alarm Dispatch Requests to the Police Department in a manner and form determined by the Alarm Administrator.

(a) A valid Permit Number is required for all alarm requests. Failure to provide a valid Permit Number shall result in the call request not being accepted for a police dispatch.

(b) Provide zone(s) activation information as part of the Sequential Verification process within the Burglar Alarm Confirmation procedures.

5. Communicate Cancellations to the Police Department in a manner and form determined by the Alarm Administrator.

6. Communicate any available information (north, south, front, back, door, window etc.) about the location of an alarm signal(s) as part of an Alarm Dispatch Request.

7. Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any Alarm Dispatch Request.

8. Notify Communications (Dispatch) of any Alarm Site that it knows, or reasonably should know has guard dog(s) or is fitted with a Protective or Reactive Alarm System. During any alarm at such a site, a Responsible Party must be contacted and confirm that he or she will respond to the Alarm Site to disarm the device or take control of the guard dog(s). In all cases where a guard dog or a protective-reactive device is present at an Alarm Site, the police dispatch request shall include a warning for officers not to enter the Alarm Site

until the Responsible Party is present and has disarmed the device or taken control the guard dog(s).

9. After an Alarm Dispatch Request, promptly advise the Police Department if the Monitoring Company knows that the Alarm User or a Responsible Party is on the way to the Alarm Site;

10. Each Monitoring Company must maintain, for a period of at least one year after the date of an Alarm Dispatch Request, all records relating to the Alarm Dispatch Request. Records must include the name, address and telephone number of the Alarm User, each Alarm System zone activated, the time of Alarm Dispatch Request and evidence of all attempts to verify. The Alarm Administrator may request copies of such records for any individual Alarm User. If the request is made within sixty (60) days after an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three (3) business days after receiving the request. If the records are requested between sixty (60) days and one (1) year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within thirty (30) days after receiving the request. Failure to comply with this subsection will incur a \$50.00 service fee per request.

11. Each Monitoring Company shall, upon request, immediately provide the Police Department with the names and phone numbers of the Alarm User's emergency contacts at the time of each Alarm Dispatch Request.

K. Conversion of Alarm Users. An Alarm Installation Company or Monitoring Company that converts the servicing of any Alarm System account from another company shall notify the Alarm Administrator of such conversion and shall provide to the Alarm Administrator, within thirty (30) days from the date of conversion, an Alarm User List of the converted accounts, in a format acceptable to the Alarm Administrator, that includes the following:

1. Permit Number.
2. Customer name.
3. Customer billing address.
4. Customer telephone number.
5. Alarm Site address.
6. Alarm Installation Company license number.
7. Monitoring Company License number.

L. The customer lists described in subsection 9.30.080(D) above may include confidential information that may be protected from disclosure pursuant to state law.

M. Failure to provide Alarm User Lists to the Alarm Administrator, as required in subsection (4) above, will result in a fee of \$50.00 per business day until the Alarm Installation Company or Monitoring Company complies with the requirement. Failure to comply after ten (10) business days will result in the suspension of the company's Security Alarm License. The City will assess a reinstatement fee of \$100.00 and an additional fee of \$10.00 per permitted user.

if users have been notified of the suspension in accordance with Sections 9.30.090 and 9.30.120 of the City Code.

N. Disconnected alarm users. An Alarm Installation Company or Alarm Monitoring Company that holds the Alarm Agreement shall notify the Alarm Administrator once a month of all alarm customers within the limits of the City of Auburn that have discontinued their alarm service with the company.

9.30.090 Special Licensing of Alarm Installation and Monitoring Companies.

A. Every Alarm Installation Company and every alarm Monitoring Company shall obtain an Auburn Security Alarm License from the Police Department and pay an annual prorated fee of \$10.00 per each of their registered Alarm Users in the City up to a maximum payment of \$100.00. Failure to pay the annual fee within 30 days after notice shall result in a late fee of \$25.00.

B. The Security Alarm License required by this section must be obtained prior to or contemporaneous with the issuance or renewal of a Business License for the period of time covered by the Security Alarm License, if applicable.

C. The Alarm Installation Company shall provide the name, address and phone number of any Monitoring Company that they are using to monitor their Alarm Sites within the City and Monitoring Companies shall do the same for Alarm Installation Companies that they monitor Alarm Sites for that are within the City.

D. If an person, firm, entity or company does not have or maintain a current, valid Security Alarm License issued pursuant to this section, it shall be presumed that the person, firm, entity or company does not have need of alarm responses from the Police Department. Depending on the circumstances, the Police Department may or may not respond to any Alarm Dispatch Request from any Alarm Installation Company or Monitoring Company that does not possess a current, valid Security Alarm License issued pursuant to this section.

E. The Alarm Administrator shall notify all known Alarm Users subscribing to an unlicensed Alarm Installation Company or an unlicensed alarm Monitoring Company that the company is unlicensed and that the Police Department will no longer respond to the user's alarms. The City will assess the Alarm Installation Company or Monitoring Company a reinstatement fee of \$100.00 and an additional fee of \$10.00 per permitted user, if users have been notified.

F. The fee imposed by this Section shall be in addition to the Business License fee and all other applicable fees levied by the City.

9.30.100 Duties and Authority of the Alarm Administrator.

A. The Alarm Administrator shall:

1. Designate the manner and form of Alarm Dispatch Requests and the telephone numbers to be used for such requests; and

2. Establish a procedure to accept Cancellation of Alarm Dispatch Requests.

B. The Alarm Administrator shall establish a procedure to acquire and record information on Alarm Dispatch Requests including the following information:

1. Identification of the Alarm Site by address, apartment number, unit number, suite number and Business name or last name;

2. The date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator's name or number;

3. Date and time of an officer's arrival at the Alarm Site; and

4. The alarm zone(s) and zone description.

C. The Alarm Administrator shall establish and implement a procedure to notify the Alarm User of a False Alarm. The notice shall include the following:

1. The date and time of an officer's response to the False Alarm; and

2. A statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting False Alarm fees.

3. Any False Alarm fees incurred.

D. The Alarm Administrator may require that a conference be held with an Alarm User and the Alarm Installation Company or Monitoring Company responsible for repairing or Monitoring of the Alarm System to review the circumstances of each False Alarm. The conference may be held in person or through a conference telephone call, at the Alarm Administrator's discretion. Failure to participate will result in suspension of the Alarm Permit or the Security Alarm License, or both as indicated by the facts of the case. Reinstatement after compliance will require payment of permit reinstatement fees in accordance with Sections 9.30.030, 9.30.080, 9.30.090 and 9.30.150 of the City Code.

E. The Alarm Administrator may establish an Alarm User Awareness Class. The Alarm Administrator may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform Alarm Users of the Alarm Ordinance; problems created by False Alarms and teach Alarm Users how to avoid creating False Alarms. The Awareness Class can be an electronic on-line school.

F. If a false Robbery, Holdup or Panic Alarm has occurred and the alarm was triggered using a single action, non-recessed device, the Alarm Administrator may consider a waiver or partial waiver of the False Alarm fee, if action is taken by the Alarm User to remove or replace the single action, non-recessed device.

G. The Alarm Administrator will make a copy of this ordinance and/or an ordinance summary sheet available to each Alarm User.

9.30.110 False Alarm Fees; Service Fees; Late Fees.

A. False Alarm Service Fees. An Alarm User shall pay the following fees to the Alarm Administrator for police response to any False Alarm during their one year permit period:

1. Burglar False Alarm Service Fee: \$100.00 for each False Alarm except as provided in subsection 9.30.110(K) of this Section; and

2. Robbery, Panic and Burglary Crime in Progress False Alarm Fees: \$200.00 for each False Alarm except as provided in subsection 9.30.110(K) of this Section.

B. If a False Alarm fee is not paid within thirty (30) days after the invoice is mailed, a late fee in the amount of \$25.00 will be imposed.

C. Fees for False Alarms by Non-permitted Alarm Systems. In addition to the fees set forth in subsections 9.30.110(A) and (B), a supplemental fee shall be imposed upon any person, firm, entity or company operating a Non-permitted Alarm System in the amount of \$200.00 for each False Alarm.

D. Any Monitoring Company requesting an Alarm Dispatch Request for a Non-permitted Alarm System shall pay an administration fee of \$100.00 per incident. If the fee is not paid within thirty (30) days after the invoice is mailed, a late fee in the amount of \$25.00 is hereby imposed on the Monitoring Company.

E. If Cancellation of police response occurs prior to the Police Officer's arrival at the Alarm Site, the response is not considered a False Alarm and no fee will be assessed.

F. The Alarm Installation Company shall be assessed a fee of \$100.00 if the officer responding to the False Alarm determines that an employee of the Alarm Installation Company directly caused the False Alarm. Such False Alarms are not included in the total number of False Alarms for the Alarm User.

G. A fee of \$100.00 is hereby imposed against any Monitoring Company that fails to verify Alarm System signals as required in subsection 9.30.080(C)(3).

H. A fee in the amount of \$200.00 is hereby imposed against an Alarm Installation Company if the Alarm Administrator determines that an employee of the Alarm Installation Company knowingly or recklessly made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System.

I. Notice of the right of appeal under this ordinance will be included with notice of any fee.

J. All registration fees, renewal registration fees, service fees or fines accessed under this section are due within thirty (30) days of written notice unless otherwise noted. A late fee of \$25.00 shall be accessed for each individual registration fee due and all other fees due that are not paid within thirty (30) days.

K. In order to provide an educational period prior to the application of the fees for every false alarm as set forth in subsections 9.30.110(A) (1) and (2) of this Section, the fees for such false alarms shall not be imposed for the first

false alarm for any alarm system during the first twelve months following the adoption of this Ordinance.

9.30.120 Notice to Alarm Users of False Alarms and Suspension of Police Response.

A. The Alarm Administrator shall notify the Alarm User in writing after each False Alarm. The notice shall include either a warning or the amount of the fee for the False Alarm, the fact that response will be suspended after the third False Alarm during the one year permit period, (excluding Duress, Robbery, Holdup and Panic Alarms) and a description of the appeals procedure available to the Alarm User.

B. The Alarm Administrator shall notify the Alarm User in writing and the appropriate alarm installation company or monitoring company by electronic mail thirty (30) days before an alarm response is to be suspended. The right of appeal under this ordinance will be included with the notice. Suspension of alarm response in this subsection does not apply to Duress, Robbery, Holdup and Panic Alarms. The notice of suspension must also include any fee due and a description of the appeals procedure available to the Alarm User and/or the Alarm Installation Company or Monitoring Company.

9.30.130 Violation of Making Alarm Dispatch Request for Suspended Alarm Site.

A. The Alarm Administrator shall notify the Police Department of each Alarm User whose Alarm Permit warrants suspension under the terms of this Chapter. The Alarm Administrator shall suspend an Alarm Permit if it is determined that:

1. The Alarm User has had three or more false burglary alarms within the one year permit period, except that the Alarm Administrator may waive a suspension of a permit upon receipt of documented work orders showing reasonable attempts to repair the Alarm System prior to the notice of suspension. The Alarm Administrator may impose a one (1) week acclimation period upon reinstatement of the permit.

2. There is a false statement of a material fact in the application for a permit; or

3. The Alarm User fails or refuses to pay a Permit or Permit Renewal fee, False Alarm fee or late fee assessed under this section.

B. It is a violation of this section for any person, firm, entity or company to operate a Burglar Alarm System during the period in which the Alarm Permit is suspended. It is a violation of this section for a Monitoring Company to make an Alarm Dispatch Request to a Burglar Alarm Site after the Monitoring Company's Alarm Response Manager (ARM) has been notified by electronic mail by the Alarm Administrator that the permit for that Alarm Site has been suspended. After three (3) business days of the ARM's notification the Monitoring Company shall be assessed a \$100.00 fee for the first dispatch report

and \$200.00 for each dispatch request thereafter within the same suspension period. If the fee is not paid within thirty (30) days after the invoice is mailed, a late fee in the amount of \$25.00 is hereby imposed on the Monitoring Company.

C. If a person, firm, entity or company allows his/her/its Security Alarm License to laps or be suspended, unless an appeal has been timely filed, it shall be presumed that the person, firm, entity or company does not have need of alarm responses from the Police Department. Depending on the circumstances, the Police Department may or may not respond to any Alarm Dispatch Request from any Alarm Installation Company or Monitoring Company where the Security Alarm License is lapsed or suspended unless there is a separate indication that there is a crime in progress.

9.30.140 Appeals of Determinations Regarding Alarm Permits, Security Alarm License and Fees.

A. If the Alarm Administrator assesses a fee, suspends an Alarm Permit, Security Alarm License or denies the issuance, renewal or reinstatement of an Alarm Permit or Security Alarm License, the Alarm Administrator shall send written notice of the action and a statement of the right to appeal to the affected applicant, Alarm User, Alarm Installation Company or Alarm Monitoring Company.

B. The Alarm User, Alarm Installation Company or Alarm Monitoring Company or other interested party may appeal any action described in (1) above to the Chief of Police or designee by setting forth in writing the reasons for the appeal and delivering the appeal to the Chief of Police or designee within twenty (20) business days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

C. The procedure for an appeal to the Chief of Police or designee is as follows:

1. The applicant, Alarm User, Alarm Installation Company or Monitoring Company may file a written request for appeal by paying an appeal fee of \$25.00 to the Police Department and setting forth the reasons for the appeal. The appeal must be entitled "Appeal from Alarm Administrator's Action." Appeal fees will be returned to the appealing party if the appeal is successful.

2. The Chief of Police or designee shall conduct a hearing within thirty (30) days after receipt of the request for review and shall consider the evidence submitted by the appealing party and the Alarm Administrator. The Chief of Police or designee must base the decision on the preponderance of evidence presented at the hearing and must render a decision within fifteen (15) days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the Alarm Administrator.

3. Any person aggrieved by the decision of the Chief of Police or designee may appeal in accordance with the procedure set forth in Section 18.70.050 of the Auburn City Code.

4. Filing of an appeal stays any action by the Alarm Administrator to suspend an Alarm Permit or require the payment of a fee until the appeal process has been exhausted. This provision applies only to the action of the Alarm Administrator that is the subject of the appeal. This provision does not operate as a bar to enforcement action on violations of this section that occur thereafter.

D. The Alarm Administrator or the Chief of Police, or their respective designees, may adjust the count of False Alarms or assessed fees based on:

1. Evidence that a False Alarm was caused by action of a communications services provider (i.e. telephone, cellular, cable company);

2. Evidence that a False Alarm was caused by a power outage of more than four (4) hours or severe weather such as a tornado or earthquake;

3. Evidence that an Alarm Dispatch Request was not a False Alarm;
or

4. The occurrence of multiple alarms within in a 24 hour period, which may be considered as one False Alarm if the Alarm User has taken corrective action, unless the False Alarms are directly caused by the Alarm User.

E. The Alarm Administrator may waive all of a False Alarm fee or a partial part of the fee due to extenuating circumstances or to encourage corrective action.

F. On review of fees assessed to an Alarm Installation Company or Monitoring Company, the Alarm Administrator, or, if appealed, Chief of Police, or designee, or the administrative hearing officer, may consider whether the Alarm Installation Company or Monitoring Company has engaged in a consistent pattern of violations.

9.30.150 Reinstatement of Suspended Alarm Permits.

A. On the first suspension of a permit, a person, firm, entity or company whose Alarm Permit has been suspended may obtain reinstatement of the permit by the Alarm Administrator if the person, firm, entity or company:

1. Submits a new application and pays a \$50.00 reinstatement fee;
2. Pays, or otherwise resolves, all outstanding fees and penalties;
3. Submits a written notice from an Alarm Installation Company stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company; and

4. The Alarm User successfully completes an electronic on-line alarm awareness class and test.

B. On the second and every subsequent suspension of a permit, reinstatement may be obtained by compliance with subsection 9.30.150(A) above and compliance with any of the following conditions that the Alarm Administrator may require:

1. Proof that an employee of the Alarm Installation Company or Monitoring Company caused the False Alarm.

2. Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01.

3. A written statement from an independent inspector designated by the Chief of Police or his designee that the Alarm System has been inspected and is in good working order.

4. Confirmation that all motion detectors are properly configured.

5. Confirmation that the Alarm System requires two independent zones to trigger before transmitting an alarm signal to the Monitoring Company.

6. Confirmation that the Alarm System requires two independent detectors to trigger before transmitting an alarm signal to the Monitoring Company.

7. Certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for an officer is confirmed by a listen-in device. This condition does not apply to residential property.

8. Certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for an officer is confirmed by a camera device. This condition does not apply to residential property.

9. Certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for an officer is confirmed by a person at the Alarm Site.

C. The Police Department shall reinstate its response to an Alarm Site as soon as is practicable after receiving notice of reinstatement from the Alarm Administrator. The Alarm User and Monitoring Company shall take notice that the Alarm Site has been officially reinstated only after receiving notice from the Alarm Administrator of that fact.

9.30.160 Suspension of Police Response to an Alarm Site.

A. In addition to the provisions in this Chapter relating to lapsed, invalid and suspended Security Alarm License, following reasonable notice to the Alarm User, as determined by the Chief of Police or designee, the Chief of Police or designee may suspend police responses to an Alarm Site if he/she determines that:

1. There is a violation of this chapter by the Alarm User; and/or

2. There is a false statement of a material fact in the application for a permit; and/or

3. The permitted Alarm System has generated more than 3 False Alarms during any permit period; and/or

4. The Alarm User has failed to pay an Alarm Permit fee or late fee, a late renewal fee or any fee assessed under this section, more than thirty (30) days after the fee is due. This applies to all classifications of alarms including burglary, panic, duress, hold-up and robbery.

5. Depending on the circumstances, the Police Department may or may not respond to any alarm, where the Alarm Site is under suspension of police response.

B. Actions made pursuant to this section are not subject to administrative review.

C. The Chief of Police or designee may, for good cause shown, in his/her sole discretion, reinstate police response that has been suspended pursuant to this section.

9.30.170 Revocation of Security Alarm License

A. The Chief of Police or designee may revoke a Security Alarm License of an Alarm Installation Company or Monitoring Company if he determines that:

1. There is a violation of this chapter by the Alarm Installation Company or Monitoring Company and/or;

2. The Alarm Installation Company or Monitoring Company has failed to pay any fee assessed under this section, more than sixty (60) days after the fee is due.

B. Depending on the circumstances, the Police Department may or may not respond to any alarm, where the Alarm Installation Company or Monitoring Company is under revocation.

C. A revocation made pursuant to this section is not subject to administrative review.

D. The Chief of Police or designee may, for good cause shown, reinstate a Security Alarm License that has been revoked pursuant to this section. An administrative fee of \$100.00 shall be assessed as part of a Security Alarm License reinstatement.

9.30.180 Police Department Response.

A. The Police Department will endeavor to respond to all alarm calls indicating that there is a Duress, Robbery, Panic or Burglar event "in progress" as promptly as possible, taking into account pending calls for service and any policy establishing priority of dispatched calls following notification of the receipt of the alarm from the Monitoring Company. Police supervisors may cancel police response to any or all alarms based on weather or other factors effecting police service needs.

B. The Chief of Police or designee may re-prioritize assignment of burglar alarms and response time at any time during a 24-hour period as may be necessary due to the service needs of the community.

9.30.190 Confidentiality of Alarm Information.

The Alarm Administrator and the City of Auburn, and its/their employees, shall endeavor to hold all information contained in documents gathered through alarm registrations, customer lists and information in the alarm appeal process in confidence to the extent provided by law. Such information shall be deemed proprietary and confidential to the extent provided by law. Absent special circumstances, such information must not be released to the public or any person

other than a law enforcement agency, third party administrator or the applicable Alarm User, Alarm Installation Company or alarm Monitoring Company except pursuant to court order, or as required by law.

9.30.200 Scope of Police Duty; Immunities Preserved.

The issuance of Alarm Permits does not create a contract between the Police Department and/or the City and any Alarm User, Alarm Installation Company or Monitoring Company, nor does it create a duty or obligation, either expressed or implied, on the Police Department to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the Police Department to respond to an Alarm Dispatch Request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an Alarm Permit, the Alarm User acknowledges that the Police Department response is influenced by the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, staffing levels, prior response history and administrative actions.

9.30.210 Alternate Enforcement.

In addition to the specific violations, fees and/or costs provided herein, failure to comply with the requirements of this chapter shall constitute a civil infraction punishable pursuant to Chapter 1.25 of the City Code. In any prosecution of such infraction it shall be prima facie evidence of the violation that the alarm system, at the same address and with the same owner or occupant, had a prior false alarm as indicated by the police, fire or other emergency response records of the prior false alarm. Additionally, failure to fail to pay the fees imposed as set forth herein within twenty (20) calendar days of the notice shall constitute a separate civil infraction punishable pursuant to Chapter 1.25 of the City Code.

Section 2. Amendment to Fee Schedule. The City Clerk is directed and authorized to insert in the City of Auburn Fee Schedule the fees set forth herein and to delete their reference from the Sections herein to the extent reasonable and consistent herewith, replacing such fee references with references instead to the City of Auburn Fee Schedule.

Section 3. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 4. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances. Ordinances in conflict herewith are hereby repealed to the extent of such conflict. This Ordinance shall take effect 30 days from the date of publication after its second reading.

Section 5. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

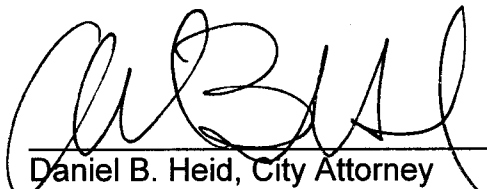
APPROVED: _____

PETER B. LEWIS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: _____